

THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMES D. CLARK and GRANT J. )  
DEYONGE, Individually and as )  
Assignees of the Beneficiaries and )  
Participants of the Clark Bros. )  
Employees Stock Ownership Plan, )  
the CLARK BROS. EMPLOYEE )  
STOCK OWNERSHIP PLAN and )  
CLARK BROS. TRANSFER, INC., )

Plaintiffs, )

vs. )

AMERITAS INVESTMENT CORP., )

Defendant. )

4:05CV3251

**MEMORANDUM  
AND ORDER**

The plaintiffs have filed a motion (filing 10) to suspend the deadline to respond to the defendant's motion to dismiss (filing 5) until the plaintiff's motion to remand this matter to state court (filing 7) is resolved. The plaintiffs assert that resolution of their motion to remand will require determining whether this court has subject matter jurisdiction to adjudicate this matter, including the pending motion to dismiss. I shall grant the plaintiffs' motion.

**IT IS ORDERED:**

1. Plaintiffs' Motion to Suspend Deadline to Respond to Defendant's Motion to Dismiss (filing 10) is granted;
2. The defendant's Motion to Dismiss (filing 5) is held in abeyance until such time as the court resolves the plaintiffs' Motion to Remand (filing 7);

3. Plaintiffs' Request for Expedited Telephonic Hearing regarding their Motion to Suspend Deadline to Respond to Defendant's Motion to Dismiss (filing 10) is denied as moot.

October 13, 2005.

BY THE COURT:

*s/ Richard G. Kopf*

United States District Judge